



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration  
Rockville MD 20857

Re: SERZONE®  
Docket No. 95E-0038

NOV - 3 1995

#13

Stephen G. Kunin  
Deputy Assistant Commissioner for  
Patent Policy and Projects  
Office of the Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Crystal Park Building 2, Suite 919  
Washington, DC 20231

Dear Mr. Kunin:

This is in regard to the patent term extension application for U.S. Patent No. 4,338,317 filed by Bristol-Myers Squibb under 35 U.S.C. § 156. The patent claims the human drug product SERZONE®, New Drug Application 20-152.

In the April 24, 1995 issue of the Federal Register (60 Fed. Reg. 20,106), the Food and Drug Administration published its determination of this product's regulatory review period, as required under 35 U.S.C. § 156(d)(2)(A). The notice provided that on or before October 23, 1995, 180 days after the publication of the determination, any interested person could file a petition with FDA under 35 U.S.C. § 156(d)(2)(B)(i) for a determination of whether the patent term extension applicant acted with due diligence during the regulatory review period.

The 180-day period for filing a due diligence petition pursuant to this notice has expired and FDA has received no such petition. Therefore, FDA considers the regulatory review period determination to be final.

Please let me know if we can provide further assistance.

Sincerely yours,

Ronald L. Wilson  
Director  
Health Assessment Policy Staff  
Office of Health Affairs

cc: Richard P. Ryan  
Bristol-Myers Squibb Company  
P.O. Box 5100  
Wallingford, CT 06492